

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JIM DAWS TRUCKING, LLC,

Plaintiff,

v.

DAWS, INC., JAMES R. DAWS, LANA
R. DAWS, DAWS TRUCKING, INC.,
and COLUMBUS TRANSPORTATION
& LOGISTICS, LLC,

Defendants.

CASE NO. 4:24-CV-3177

DECLARATION OF
JOHN J. PROCTOR

I, John J. Proctor, hereby declare as follows:

1. I am above the age of 19, and I am competent to testify. I have personal knowledge of all facts set forth herein.

2. I am a commercial truck driver who has driven trucks since 1984 years.

3. I have known Jim Daws for 7 years.

4. Before 2022, I was an employee of Daws, Inc. and I drove trucks for Daws, Inc. under the general name "Daws Trucking." At the end of the year, I would receive a W2 from Daws, Inc.

5. While I do not know the details, it is my understanding that at some point in 2022, Jim Daws Trucking, LLC took over the operations of Daws Trucking.

6. After Jim Daws Trucking, LLC began operating as Daws Trucking, I became an employee of Jim Daws Trucking, LLC. I have been employed with Jim Daws Trucking, LLC since approximately October 2024.

7. I have never resigned as an employee or independent contractor of Jim Daws Trucking, LLC.

8. I do not presently consider myself to currently be employed by Jim Daws Trucking, LLC because they failed to assign me any loads to haul.

9. I have been informed that Jim Daws Trucking, LLC served an interrogatory answer in this lawsuit identifying me as an employee who "quit" my

employment with Jim Daws Trucking, LLC. That statement is false. I never quit or resigned. Jim Daws Trucking, LLC failed to assign me loads to haul.

10. Since October 1, 2024, I attempted to contact Jim Daws Trucking, LLC to inquire about hauling loads for it on numerous occasions. Jim Daws Trucking, LLC has not answered or returned my calls.

11. After Jim Daws Trucking, LLC took over operations of Daws Trucking, Jim Daws remained involved in the operation of Daws Trucking. With few exceptions, after Jim Daws Trucking LLC took over the operations of Daws Trucking, Daws Trucking continued to operate the way it always had.

12. Both before and after Jim Daws Trucking, LLC took over the operations of Daws Trucking, and until Jim Daws left employment with Jim Daws Trucking, LLC, Daws Trucking typically assigned loads to me by having a Daws Trucking dispatcher call me assigning a load to me.

13. Since October 1, 2024, no one from Jim Daws Trucking, LLC has contacted me to haul any load on behalf of Jim Daws Trucking, LLC or Daws Trucking.

14. I am ready, willing, and able to continue working for Jim Daws Trucking, LLC, but it has not asked me to do so.

15. Based on my experience, Jim Daws Trucking, LLC operated a specialty flat-bed hauling company. It only operated flatbed trailers and did not operate dry vans, tankers, or refrigerated (reefer) trailers or any other type of trailer other than flatbeds.

16. I am aware that Jim Daws left employment with Jim Daws Trucking, LLC around the end of September 2024.

17. Before announcing he was leaving employment with Jim Daws Trucking, LLC, neither Jim Daws, nor anyone else, spoke to me about his plans to leave.

18. I never met with Jim Daws on August 23, 2024 behind closed doors or otherwise.

19. At no point has Jim Daws, or anyone on his behalf, ever encouraged me, implied, or requested that I quit working for Jim Daws Trucking, LLC.

20. I am not aware of anyone who Jim Daws has encouraged to quit working for Jim Daws Trucking, LLC.

21. At no time since Jim Daws Trucking, LLC took over operations of Daws Trucking has Jim Daws, or anyone on his behalf, ever asked me to work for any company owned by or affiliated with Jim Daws.

22. I am not aware of any driver who Jim Daws has encouraged to work for any company owned by or affiliated with Jim Daws.

23. I am not aware that since he left employment with Jim Daws Trucking, LLC that Jim Daws is operating any other trucking business.

24. Since Jim Daws left employment of Jim Daws Trucking, LLC, I have not hauled any load for Jim Daws or any of his affiliated companies and I am not aware of any other driver who has.

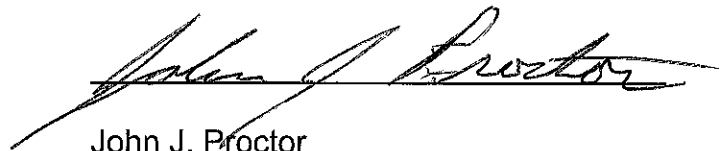
25. I am not aware of any situation in which Jim Daws interfered with the customers of Jim Daws Trucking, LLC.

26. When Jim Daws was working at Jim Daws Trucking, LLC, Daws Trucking continued to get new customers and grow the business.

27. I am not aware of any situation in which Jim Daws interfered with the operations of Jim Daws Trucking, LLC. From my experience, after May 2022, things continued to operate as they had before. It was only after Jim Daws left employment with Jim Daws Trucking, LLC that things changed and I no longer received calls from Jim Daws Trucking, LLC or Daws Trucking to haul loads.

28. If Jim Daws Trucking, LLC is not going to assign loads to me, I would like the opportunity to drive for other companies so I can earn a living. If other companies are prevented from hiring me I will suffer a loss of income.

I declare, under penalty of perjury, that the foregoing declaration, executed on the 17 day of JANUARY, 2025, at Millford, Nebraska is true and correct.


John J. Proctor

